

Application No. 09/779,553  
Amendment filed June 29, 2004  
Reply to Office Action dated April 2, 2004

Attorney Docket No. 040071-266  
Page 8 of 9

**Remarks**

Claims 1-28 are pending, with claims 1 and 14 being in independent form.

Applicants acknowledge with appreciation the indication of allowability of claims 2-7 and 15-19.

Claims 1, 8-14, and 21-28 have been rejected for obviousness over U.S. Patent No. 6,223,040 to Dam ("Dam") and U.S. Patent No. 5,933,768 to Skold et al. ("Skold").

35 U.S.C. § 103(c) provides, in relevant part, that subject matter which qualifies as prior art only under 35 U.S.C. § 102(e), (f), or (g) shall not preclude patentability provided the subject matter and the claimed invention were owned by the same person or entity or subject to an obligation of assignment to the same person or entity. The present application was filed February 9, 2001. Dam was filed June 23, 1998, and issued on April 24, 2001. Accordingly, Dam can only be considered prior art (arguably) under 35 U.S.C. § 102(e). Dam and the present application are both assigned to Telefonaktiebolaget LM Ericsson. Therefore, pursuant to 35 U.S.C. § 103(c), Dam cannot preclude the patentability of claims 1, 8-14, and 21-28 of the present application, and the rejection should be withdrawn.

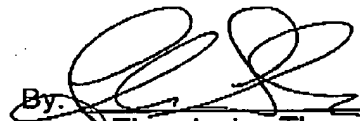
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Page 9 of 9

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

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Date: June 29, 2004

I hereby certify that this correspondence is being sent by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to the following facsimile number:

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Date of Transmission: June 29, 2004

  
Jennie Snead